

HOUSE BILL NO. 374

INTRODUCED BY B. EGGERS, BIXBY, FRITZ, GALVIN-HALCRO, GUTSCHE, JAYNE, JUNEAU, PEASE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS RELATING TO THE LEGISLATIVE POLICY AND DUTIES OF THE OFFICE OF STATE COORDINATOR OF INDIAN AFFAIRS; AMENDING SECTIONS 90-11-101 AND 90-11-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 90-11-101, MCA, is amended to read:

"90-11-101. Legislative policy. ~~It is the legislative policy of this state~~ THE LEGISLATURE FINDS AND DECLARES that:

(1) ~~Whereas,~~ a considerable portion of the citizens of the state of Montana are ~~members of the Indian race~~ American Indians; and

(2) ~~Whereas, in the course of the past 80 years since statehood, these~~ Indian citizens of the state of Montana have ~~been driven from their native valleys and plains and are at present living and residing~~ lived upon on reservations set apart for ~~such~~ those purposes by the United States of America, and by virtue of ~~that isolation~~ their proximity ISOLATION and ~~of~~ supervision by the federal government, great problems of economic and social significance have arisen and presently exist, ~~and no suitable progress has been made to solve such problems by reason of the fact that the Indians and those who are attempting to aid them in the solution of their problems have never been able to present a coordinated and united effort in solving such problems; and~~

(3) ~~Whereas, it is hereby declared that it is the legislative policy of this state that the best interests of the Indians~~ Montana Indian tribes will be served by ~~the fostering of a program which is~~ engaging in government-to-government relationships designed to ~~establish and place our Indian citizens in a position to take their rightful place in our society and assume the~~ recognize Montana tribes' and individual tribal members' THE rights, duties, and privileges of full citizenship ~~and as~~ THAT Indians, ~~and~~ ARE ENTITLED TO AS citizens of this state, ~~and it is therefore necessary that a state office of the coordinator of Indian affairs be established~~ maintained so that the problems ~~issues and concerns~~ of the Indians Indian tribes of Montana ~~can be approached~~ discussed and reconciled from a state level in cooperation with resolved between the

1 ~~state, the tribes, and the United States of America; and~~

2 (4) ~~Whereas, because the tribes are DOMESTIC dependent domestic nations,~~ agencies of the federal
3 government retain jurisdiction ~~on Indian reservations in~~ and a fiduciary duty throughout the state of
4 Montana ~~of for~~ the administration of economic, social, health, education, and welfare programs for Indians;
5 and

6 ~~— (5) Whereas, Indians who reside off reservations generally qualify for participation in federal~~
7 ~~programs but are often prohibited from voting on tribal affairs and for tribal officers; and~~

8 (5) unique differences exist between the tribes, their reservations, customs, and treaties, and
9 federal law THEIR RESPECTIVE RELATIONSHIPS WITH THE FEDERAL GOVERNMENT, ALL OF WHICH INFLUENCE THE
10 RELATIONSHIPS AMONG TRIBES AND BETWEEN THE TRIBES AND THE STATE;

11 (6) ~~Whereas, there are sizeable numbers of off-reservation enrolled and unenrolled Indians residing~~
12 ~~in our state of both enrolled and unofficial tribal descent (landless) whose needs for social, environmental,~~
13 ~~educational, and economic assistance are borne IN PART by state and local agencies, and these needs are~~
14 ~~derived from problems shared by all Indians and non-Indian residents of the state, whether they reside on~~
15 ~~reservations or not, and in consideration of their Montana tribes' desire for official voice and representation~~
16 ~~in seeking solutions to their problems; and~~

17 (7) ~~Whereas, programs of the state of Montana should not duplicate those solely supported by~~
18 ~~agencies of the federal government OR TRIBAL GOVERNMENTS as regards with regard to jurisdiction of Indian~~
19 ~~people, and since because state responsibility is effected includes with off-reservation Indians and since~~
20 ~~because those Indians require assistance to coordinate their affairs with various tribal groups and federal~~
21 ~~agencies where they have no official recognition;~~

22 (8) the state and the tribes working together in a government-to-government relationship and
23 engaging in compacts and other cooperative agreements for the benefit of Indian and non-Indian residents
24 will promote economic development, environmental protection, education, social services' SERVICES
25 support, and enduring good will;

26 (8)(9) ~~Then therefore, let it be resolved that~~ TO FACILITATE THE DISCUSSION AND RESOLUTION OF ISSUES
27 AND CONCERNS THAT INDIAN TRIBES HAVE IN RELATION TO THE STATE, THE FEDERAL GOVERNMENT, AND AMONG
28 THEMSELVES, the coordinator of Indian affairs should shall:

29 (a) maintain effective tribal-state communications;

30 (b) assess the problems of all Indians to include those who reside off known reservations and who

1 ~~tribal and individual Indian concerns and interests to seek ways and means of communicating their opinions~~
 2 ~~and needs~~ THESE CONCERNS AND INTERESTS to RELEVANT state agencies of with responsibility and to the
 3 legislature and ~~that the coordinator should~~ actively assist them in organizing their THESE efforts; and that
 4 he

5 ~~(c) act as representative and spokesman a liaison for organized bodies of tribes and Indian people,~~
 6 ~~whether reservation or off-reservation classification they~~ THE INDIAN PEOPLE reside on or off reservations,
 7 whenever his assistance is required;

8 (10) the coordinator of Indian affairs shall endeavor to assist tribes to seek agreements between
 9 the state and tribes on shared goals and basic principles and to work toward a consensus among the tribes
 10 and other parties ON SHARED GOALS AND PRINCIPLES."

11

12 **Section 2.** Section 90-11-102, MCA, is amended to read:

13 **"90-11-102. (Temporary) Duties and assistance.** (1) It is the duty of the state coordinator of
 14 Indian affairs to carry out the legislative policy set forth in 90-11-101.

15 (2) The state coordinator shall:

16 (a) MEET AT LEAST QUARTERLY WITH TRIBAL GOVERNMENTS AND become acquainted with the problems
 17 confronting the Indians of Montana;

18 ~~(b) meet quarterly with tribal governments and~~ WITH executive branch directors on issues arising
 19 between Montana's Indian citizens, tribes, and department STATE AGENCY personnel and programs;

20 (c) report to the governor's cabinet meeting concerning issues confronting Indian people and tribal
 21 governments;

22 ~~(b)(d)~~ (d) advise the legislative and executive branches of the state of Montana of those problems AND
 23 ISSUES;

24 ~~(e)(e)~~ (e) make recommendations for the alleviation of those problems AND ISSUES;

25 ~~(d)(f)~~ (f) serve the Montana delegation in the federal congress as an adviser and intermediary in the
 26 field of Indian affairs;

27 ~~(e)(g)~~ (g) act ~~on behalf of~~ AS A LIAISON FOR representative Indian organizations and groups, public and
 28 private, whenever the state coordinator's support is solicited by tribal GOVERNMENTAL entities;

29 ~~(f)(h)~~ (h) serve on the state-tribal economic development commission established in 90-1-131;

30 ~~(g)(i)~~ (i) report in detail at every meeting of the interim committee of the legislature having jurisdiction

over the office of the coordinator those actions taken by the state-tribal economic development commission established by 90-1-131 to carry out its duties; and

~~(h)(i)~~ hire, with the concurrence of the other members of the state-tribal economic development commission, a tribal business center coordinator and a federal grants coordinator, and subsequently provide administrative support for both positions.

(3) All executive and legislative agencies of state government may within the area of their expertise and authority provide assistance to tribal councils or their official designees requesting assistance on any matter relating to ~~coal~~ education, health, natural resources, and economic development on Indian reservation lands ~~and may make an appropriate charge for that assistance.~~ (Terminates June 30, 2001--sec. 19, Ch. 512, L. 1999.)

90-11-102. (Effective July 1, 2001) Duties and assistance. (1) It ~~shall be~~ is the duty of the state coordinator of Indian affairs to carry out the legislative policy set forth in 90-11-101.

(2) ~~He~~ The state coordinator shall ~~acquaint himself;~~

(a) MEET AT LEAST QUARTERLY WITH TRIBAL GOVERNMENTS AND become acquainted with the problems confronting the Indians of Montana; ~~and he shall;~~

(b) meet quarterly with tribal governments and WITH executive branch directors on issues arising between Montana's Indian citizens, tribes, and department STATE AGENCY personnel and programs;

(c) report to the governor's cabinet meeting concerning issues confronting Indian people and tribal governments;

(d) advise the legislative and executive branches of the state of Montana of those problems AND ISSUES ~~and shall;~~

(e) make recommendations for the alleviation thereof of those problems AND ISSUES; ~~He shall also~~

(f) serve the Montana delegation in the federal congress as an adviser and intermediary in the field of Indian affairs; ~~and shall~~

(g) act as spokesman for on behalf of AS A LIAISON FOR representative Indian organizations and groups, public and private, whenever ~~his~~ the state coordinator's support is solicited by tribal GOVERNMENTAL entities.

(3) All executive and legislative agencies of state government may within the area of their expertise and authority provide assistance to tribal councils or their official designees requesting ~~such~~ assistance on any matter relating to ~~coal~~ education, health, natural resources, and economic development

1 on Indian reservation lands ~~and may make an appropriate charge therefor.~~"

2

3 NEW SECTION. **Section 3. Notification to tribal governments.** The secretary of state shall send
4 a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little
5 Shell band of Chippewa.

6

7 NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

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